

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN DAVE LEWIS**, on January 29, 2003 at 3:15 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Dave Lewis, Chairman (R)
Rep. Rosalie (Rosie) Buzzas, Vice Chairman (D)
Rep. Stanley (Stan) Fisher (R)
Rep. Dick Haines (R)
Rep. Joey Jayne (D)
Rep. Carol C. Juneau (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. John Musgrove (D)
Rep. Jeff Pattison (R)
Rep. Rick Ripley (R)
Rep. John Sinrud (R)
Rep. John Witt (R)
Rep. Tim Callahan (D)
Rep. John Brueggeman (R)

Members Excused: Rep. Edith Clark, Vice Chairman (R)
Rep. Eve Franklin (D)
Rep. Donald L. Hedges (R)

Members Absent: None.

Staff Present: Jon Moe, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 28, HB 421, 1/24/2003
Executive Action: HB 158, DPAA; HB 313, Tabled; HB 60, Do Pass; HB 176, DPAA

HEARING ON HB 421

Sponsor: REP. BILL THOMAS, HD 93, Hobson

Opening Statement by Sponsor:

REP. THOMAS asked the Committee to listen to the proponents and then he would close.

Proponents' Testimony:

Jerome Kolar, Judith Basin County Commissioner, Geyser
EXHIBIT(aph19a01)

Edward F. Arnott, Commissioner, Judith Basin County, Stanford
EXHIBIT(aph19a02)

Patrick McNulty, Rancher, Buffalo
EXHIBIT(aph19a03)

Janne Lemond
EXHIBIT(aph19a04)

Betty Sampsel
EXHIBIT(aph19a05)

Jan French, Rancher, Hobson

Judith McNulty, Buffalo

Wes Gibbs, Judith Basin County Businessman, Stanford
EXHIBIT(aph19a06)

Harold Blattie, Montana Association of Counties (MACo)

REP. JAYNE, HD 73, Arlee

Written Testimony Submitted by Montana State University President
Geoff Gamble and Extension Service Interim Director and Vice
Provost LeRoy Luft who could not appear before the Committee.
EXHIBIT(aph19a07)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. KAUFMANN asked why the County no longer has an extension agent. **REP. THOMAS** said they did have one and he resigned just prior to the hiring freeze.

Closing by Sponsor:

REP. THOMAS closed the hearing on HB 421.

HEARING ON HB 28

Sponsor: **REP. NORMA BIXBY**, HD 5, ROSEBUD COUNTY, BIGHORN COUNTY and two Indian Reservations, the Northern Cheyenne and the Crow.

Opening Statement by Sponsor:

REP. BIXBY said this is a bill brought forth by the request of the State Tribal Relations Committee to increase the per student distribution limit for resident nonbeneficiary students attending tribally controlled in Montana to \$2000. The bill also eliminates the requirement to subtract the amount given in Indian fee waivers prior to distributing the money for nonbeneficiary students. **REP. BIXBY** passed around the following Exhibits.

EXHIBIT (aph19a08)

EXHIBIT (aph19a09)

EXHIBIT (aph19a10)

EXHIBIT (aph19a11)

EXHIBIT (aph19a12)

EXHIBIT (aph19a13)

EXHIBIT (aph19a14)

Proponents' Testimony:

Chris Christiaens, former Chair of the State Tribal Relations Committee which met over the past Interim, said funding for this particular area of nonbeneficiary students has been up and down. The Interim Committee struggled long and hard trying to come up with a way that becomes part of the budget rather than coming from those different fee waivers from the National Guard individuals who now also fall into the same funding source within the Commissioner's office and did not come up with anything that would work for this committee or for the Legislature in the future.

Linda Gryczan, Montana Women's Lobby

Joe McDonald, President, Salish Kootenai College

EXHIBIT (aph19a15)

Bob Tailfeathers, Dean of Student Services, Blackfeet Community College, said as they are growing at 150 students every two years and probably more now, would ask the Committee to support HB 28.

Richard Little Bear, President of Chief Dull Knife College

{Tape: 1; Side: A; Approx. Time Counter: 0 - 29.5}

George Kipp, Blackfeet Community College

CHAIRMAN LEWIS said the University System charges out-of-state students full cost so no state money goes to them.

REP. JONATHON WINDY BOY, HD 92, Box Elder, Chippewa-Cree Tribal Council Member, Chairman, Board of Regents, Stone Child College.

Joyce Scott, Office of Commissioner of Higher Education, Montana University System, said the Tribal Colleges have sought and received grants in collaboration with Montana University System campuses to provide outreach programs for the training of teacher educators who will then go back to the schools in their immediate areas to meet the needs and the shortages in teacher education. Her office is well satisfied with the language of the bill which sets forth conditions that meet all of the standards that the Regents have set forth in policy; those relating to accreditation, as well as to the residency of the student being a resident of Montana. She believes a line-item appropriation is appropriate and does not propose at this juncture a new source of funding but will examine whatever proposals are made.

Amy Croover, Student, Salish-Kootenai College

Shannon Wetzel, Student, Salish-Kootenai College

Jennifer Marigeau, Student, Salish-Kootenai College

EXHIBIT (aph19a16)

Kasey Day, Student, Salish-Kootenai College

EXHIBIT (aph19a17)

Gale Ireland, Student, Salish-Kootenai College

EXHIBIT (aph19a18)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 29.6}

Doyle Beavers, Student, Salish-Kootenai College
EXHIBIT(aph19a19)

Sabrina Pendleton, Student, Blackfeet Community College
EXHIBIT(aph19a20)

Erik Belgarde, Student, Blackfeet Community College

Steve LaForge, Student, Blackfeet Community College

Bambi Tuson, Student, Blackfeet Community College

Kimberly Paul, Student, Blackfeet Community College

REP. VERONICA SMALL-EASTMAN, HD 6, Lodge Grass

Anita Big Spring, Salish-Kootenai College testified from and referred to Exhibit 9.

REP. CAROL JUNEAU, HD 85, Browning, Glacier County

REP. JOEY JAYNE, HD 73, Arlee

REP. RICK RIPLEY, HD 50, Wolf Creek

Opponents' Testimony: None

Informational Testimony:

CHAIRMAN LEWIS said his daughter graduated from Salish-Kootenai's Nursing Program several years ago. He knows it's a good program and has great respect for the program. He understands the issue quite well and is supportive but also said it is going to be hard to find the money.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 29.7}

Questions from Committee Members and Responses:

REP. SINRUD asked for an explanation of a dental assistant that appeared in several of the written testimonies and the difference between that and a dental hygienist. **President McDonald** said the dental assistant is at chair-side to assist the dentist. The dental hygienist cleans the teeth and in some states, do fillings. **Mr. McDonald** said his school is set up for the training of dental hygienists but they simply don't have the

money. If they had the money, they could start the program this fall.

REP. KAUFMANN asked **President McDonald** if he has generally received some help from the Legislature. **Mr. McDonald** said they received full funding in two bienniums.

In response to a question from **REP. PATTISON** concerning fee waivers, Mr. McDonald said when the first legislation was successfully passed, and the State University System was giving fee waivers to Indian students attending the University of Montana and Montana State University, **Speaker John Mercer** wanted the Tribal Colleges to give fee waivers to nonbeneficiary students. The Tribal Colleges did not actually get any money.

REP. KAUFMANN referred to **Mr. McDonald** and said, "Each year you need to come here and make this plea. Is there a long-term solution that would mean you could get your money without having to do this every session?" **Mr. McDonald** referred to **CHAIRMAN LEWIS** who said it seemed to him that if Mr. McDonald wanted to get it in the base, as a line-item appropriation, they should do it in HB 2.

REP. FISHER referred to the seven Tribal Colleges and three private colleges in the State. **Mr. McDonald** said the difference is that their basic funding comes from the Federal Government and the Tribal Government appoints their Boards for certain terms. Private colleges, such as Carroll College in Helena selects their own Boards. They are in a gray area because they aren't private and they aren't public because their Boards are not elected by the general public, so he would classify them as independent.

REP. SINRUD asked **Mr. McDonald** if they take out-of-state students. **Mr. McDonald** said, "Yes, they do. They have tried to develop a fee that is the actual cost."

Closing by Sponsor:

REP. BIXBY closed the Hearing on HB 28.

Written testimony from students given to Secretary after Hearing.
EXHIBIT (aph19a21)

EXECUTIVE ACTION ON HB 158

Motion/Vote: REP. HAINES moved that HB 158 BE RE CONSIDERED (which had failed on a previous DO PASS motion). Motion carried unanimously 19-0 on a voice vote.

Motion: REP. HAINES moved that HB 158 DO PASS.

Motion: REP. HAINES moved that HB 158 BE AMENDED.

Discussion:

REPS. LINDEEN, HAINES, LEWIS, SINRUD, and JAYNE to Hank Hudson, Administer, Human and Community Services Division, Department of Public Health and Human Services, who said these are the best estimates.

Jon Moe, Fiscal Analyst, said there are six items on the amendment; Items 3 and 6 are adding the appropriation clause. Items 1, 2, 4 and 5 are just technical amendments that change the term.

Toni Plummer, Tribal Member, said if it is taken out of the Health and Human Service Subcommittee and out of the General Fund and not out of Mr. Hudson's Division, then it would be supported. For the Tribal portion which includes her work with the Tribes and Welfare Reform, there is only one Tribe under consideration right now. They don't anticipate any further Tribal movement on Tribal Temporary Assistance for Needy Families (TANF) Fund until the next biennium.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 28.6}

Vote: Motion carried unanimously 19-0 on a roll call vote.
EXHIBIT (aph19a22)

Motion/Vote: REP. HAINES moved that HB 158 DO PASS AS AMENDED. Motion carried unanimously 19-0 on a voice vote.

EXECUTIVE ACTION ON HB 60

Motion/Vote: REP. WITT moved that HB 60 DO PASS.

Discussion:

REPS. PATTISON, FISHER, WITT, RIPLEY, MUSGROVE and LEWIS commented.

Vote: Motion carried 13-6 with REPS. LEWIS, BRUEGGEMAN, FISHER, HEDGES, KASTEN and PATTISON voting no on a roll call vote.

EXECUTIVE ACTION ON HB 313

Motion: REP. RIPLEY moved that HB 313 DO PASS.

Discussion:

Jim Standaert, Legislative Fiscal Division, said there was an error made in drafting of the bill. It put in a 10% number in the bill. Under current law schools are able to keep in reserve 10% of their General Fund budget. They get to keep in reserve 10% of their ending fund reserve. It freed up a lot of money that had to be re-appropriated in the next year and that is why it saved so much money. In the new language there is still a cost in the bill. The way this bill is written now, with the amendment, it would say they could use part of their reserve and put it in the Flexibility (FLEX) Fund.

A rough estimate of the impact in FY 2005 is an increase in Guaranteed Tax Base (GTB) Funds of about \$4.5 million.

Motion/Vote: REP. RIPLEY moved that HB 313 BE AMENDED. Motion carried unanimously on a voice vote.

EXHIBIT (aph19a23)

Motion: REP. RIPLEY moved that HB 313 DO PASS AS AMENDED.

Discussion:

REP. JUNEAU said she thought the School Flex Fund did not exist anymore. **Mr. Standaert** said, "Yes it does still exist and is still on the books and would allow them to put an unlimited amount into the Flex Fund." **CHAIRMAN LEWIS** said they created the Flex Fund last session. There was money put in it for this biennium but there is no money in it for the future biennium.

REP. KASTEN said there was a cost of about \$8 million and with the amendment on the bill now would make it \$5 million. He asked if there was something like this to fund that portion. **CHAIRMAN LEWIS** said the way it works is when the Committee makes the distribution to the schools, OPI deducts what cash is re-appropriated, which is excess reserves. This would do away with those excess reserves. It would reduce them because it allows them to put it in the Flex Fund. The State is getting the

advantage of the money now, because they are offsetting it against the money that's due the schools.

REP. PATTISON asked if the \$4.5 million would increase the taxes and **REP. RIPLEY** said, "Yes."

In response to a question from **REP. KAUFMANN**, **REP. RIPLEY** said it is good for schools, bad for taxpayers. He is voting no.

REPS. JAYNE, SINRUD, KAUFMANN, and KASTEN questioned Mr. **Standaert** for further clarification.

Vote: Motion failed 2-17 with **REPS. BUZZAS and MUSGROVE** voting yes on a roll call vote.

Motion/Vote: **REP. RIPLEY** moved that **HB 313 BE TABLED**. Motion carried unanimously 19-0 on a voice vote.

EXECUTIVE ACTION ON HB 176

Motion: **REP. PATTISON** moved that **HB 176 DO PASS**.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 29}

Motion/Vote: **REP. KASTEN** moved that **HB 176 BE AMENDED**. Motion carried unanimously 19-0 on a voice vote.

EXHIBIT (aph19a24)

Motion/Vote: **REP. PATTISON** moved that **HB 176 DO PASS AS AMENDED**. Motion carried unanimously 19-0 on a voice vote.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 5.5}

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. DAVE LEWIS, Chairman

MARY LOU SCHMITZ, Secretary

DL/MS

EXHIBIT (aph19aad)